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7 YINTAO YU,
8 Plaintiff,
9 v.
10 BYTEDANCE INC., et al.,
11 Defendants.

Case No. [23-cv-04910-SI](#)

ORDER FOR FURTHER BRIEFING

Re: Dkt. Nos. 14, 25, 26

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14 On December 1, the Court held a hearing on defendants' motion to compel arbitration based
15 on the ECIAA, the Stock Option Assignment Agreement, the Patent Assignment Agreement, and
16 the Undertaking Agreement. At the hearing, defense counsel asserted that the latter 3 agreements
17 are at issue in this case because, *inter alia*, defendants intend to assert affirmative defenses and/or
18 counterclaims based on those agreements. In light of the unusual procedural history of all of the
19 litigation between the parties, the Court finds that it is appropriate for defendants to file an answer
20 prior to any ruling by the Court on the pending motion to compel arbitration. Defendants shall file
21 their answers by December 21, 2023.

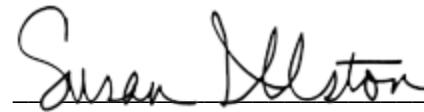
22 As the Court indicated at the hearing, the Court is inclined to find that Yu has placed "in
23 issue" whether he signed the ECIAA, and therefore that Yu is entitled to a jury trial on that issue.
24 However, if the Court finds that any of the other arbitration agreements are enforceable, that could
25 moot the need for a jury trial. Plaintiff's briefing regarding the other three agreements focused
26 largely on the question of whether those agreements were part of this case, and not on the
27 enforceability of those agreements. Further, since the hearing, the Ninth Circuit has issued an
28 opinion on the enforceability of arbitration agreements containing delegation clauses. *See Bielski*

1 v. *Coinbase, Inc.*, No. 22-15566, 2023 WL 8408123 (9th Cir. December 5, 2023).

2 Accordingly, the Court finds that further briefing is required. The Court directs the parties
3 to provide supplemental briefing on the enforceability of the other three agreements as well as the
4 impact of *Bielski*. The supplemental briefing shall address the enforceability of the other three
5 arbitration agreements, including (a) whether there is a signed Undertaking Agreement, (b) whether
6 the Patent Agreement can be enforced against Yu, and (c) the impact of *Bielski*. The parties are
7 directed to meet and confer about a supplemental briefing schedule, with briefs to be filed in January.
8 The parties shall file a stipulation and proposed order regarding the briefing schedule by December
9 21. The Court will schedule a further hearing if necessary.

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11 **IT IS SO ORDERED.**

12 Dated: December 8, 2023

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15 SUSAN ILLSTON
16 United States District Judge